

Remarks/Arguments

This is a Corrected Amendment which is responsive to the Notice of Non-Compliant Amendment dated March 27, 2006. A prior Amendment was filed January 18, 2006 and this Corrected Amendment replaces that prior filed Amendment. As noted in the previously filed Amendment which was responsive to the Office Action dated July 18, 2005, it is noted that the contents of the Office Action have been carefully studied. It is also noted that the time to respond to the Office Action had been extended three months by separate petition to January 18, 2006. In view of the foregoing amendments and following comments, reconsideration of the rejection under 35 USC §103 is courteously requested.

In addition, it is noted that previously enclosed was a Second Supplemental Information Disclosure Statement citing art cited in the corresponding PCT applications and in Office Actions issued in co-pending applications. This art had not been cited because Applicants had ceased all work on patents due to financial issues, or because Applicants only recently became aware of the art in co-pending applications. That Information Disclosure Statement was accompanied by the fee required to ensure consideration.

In presenting this Corrected Amendment, it is noted that the Examiner apparently overlooked the Preliminary Amendment previously filed in this application in which the claims were properly renumbered. Accordingly, in making amendments in this Corrected Amendment Applicants have assumed the Examiner ignored the previous Preliminary Amendment but are treating the Preliminary Amendment as having been entered. Reference is made to that Preliminary Amendment. As such, a copy of the Preliminary Amendment is attached to facilitate consideration. Accordingly, the amendments made in this Corrected Amendment are being made to the claims as amended (renumbered) in the Preliminary Amendment filed with this application.

To further facilitate the Examiner's further consideration, a brief summary of the invention is presented herein.

In one aspect, the invention relates to a method for controlling content to a user which comprises tagging, as now amended, at least one datacast packet with a packet tag to enable user viewing permission, and then broadcasting the packets to at least one user terminal. In a specific implementation as recited in claim 4, the tagging comprises specifying at least one user serial

number wherein the user serial number is an identification code corresponding to a particular user terminal. The packet is read if the user serial number is specified in the tag.

In an alternative aspect, a system for controlling content sent to user includes a broadcast station with at least one datacast packet in communication with the broadcast station. The at least one datacast packet has content in a packet id associated therewith wherein the broadcast station is configured to tag the packet with a packet tag to enable user viewing permission and to send the datacast packet to at least one user terminal. Yet still further as provided in claims 23 and 24, a tuner application is associated with the user terminal configured to enable the user terminal to receive and display content on the display when the content is received from at least one datacast packet and a datacast packet has a packet id associated therewith.

In considering the invention, it is important that the claims, as now amended be properly interpreted in light of the definition to the claim terms provided in the specification. The term datacast is a well-known term in the art of television broadcasting and the invention relates to a method and system for enabling personal computers, for example, to tune, receive and display digital television, including HDTV (paragraph 15). As noted, a datacast is a known term and examples are given in paragraph 19 to include such as video-on-demand. The packets may be broadcast by radio frequency, cable or satellite.

It is respectfully urged that the invention as recited in the claims is not obvious under 35 USC §103 from the cited references, as will become more clearly evident from the following detailed discussion of the references presented herein for the Examiner's kind consideration.

U.S. Patent No. 5,655,079 to Hirasawa et al.

U.S. Patent No. 5,655,079 to Hirasawa et al. (hereinafter "Hirasawa") discloses a data transmission method for a multi-computer system in which computers are connected via a transmission line. Transmission data of a sending computer is provided with the location where the address is assigned and a content code indicating the data content is also assigned. The data is transmitted and computers, other than the sending computer, decide whether or not to accept the data according to either the address or the content code (Abstract).

When the Examiner cites column 3, lines 57-59 to support the proposition of broadcasting television signals, this is simply an incorrect interpretation of the reference. All that section of the patent refers to is how the data, which is a data message and in which the term

broadcast is improperly interpreted in light of Applicants' invention, and relates only to how the data is arranged for transmission over the transmission line from a sending computer to a receiving computer.

In the case of the system of Hirasawa, each of the computers reads the data message into an input buffer via its interface. A selecting processing function checks the head part of the read data message such as the group address or the destination address and if the address does not match, it is deleted. If the address does match, it is then transferred to a processing function for data messages having content codes. The content code is then checked and if there is no match, it is deleted. If the code does match, the reception is finished and the processing function returns a processing response to the source (column 5, lines 30-67).

Hirasawa refers to "broadcasting" in a broad sense as in broadcasting data over a closed IP network. In Hirasawa, it is clear that the concept is of one-to-one transmission of data over the closed IP network (column 9, lines 40-49). Applicants' invention clearly requires broadcasting to many terminals and as properly interpreted, a central television broadcast facility transmits the same signal to an infinite number of receivers.

In this light, it is believed that the amendment to the claims to refer to a datacast clearly distinguishes over the references because a datacast is not a generalized computer network term. Instead, datacast refers to the broadcasting of internet protocol encapsulated data over a wireless digital television radio frequency. As such, the teachings of Hirasawa are not applicable to Applicants' claimed invention and it is only after an improper hindsight interpretation of the reference that the Examiner has been able to arrive at the rejection.

U.S. Patent No. 5,548,646 to Aziz et al.

U.S. Patent No. 5,548,646 to Aziz et al. (hereinafter "Aziz") merely discloses a system for automatically encrypting and decrypting data packets sent from a source host to a destination host across a public internetwork. A tunneling bridge is positioned at each network and all packets transmitted are intercepted at a point where they are being transmitted to or from their associated network. Tables at the tunneling bridge indicate pairs of hosts of pairs of networks between which packets, should be encrypted to ensure that information is secure when transmitted over non-secured networks.

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Response and Amendment dated April 19, 2006
Express Mail EV 723449352 US

In this regard, Applicants' invention has nothing to do with bridging networks. In accordance with the invention, matching criteria tagged onto the datacast packet is utilized before rendering any data, audio and/or video at an end user device.

It is clear that both of the cited references fail to refer to packets or datacast packets via a terrestrial data television radio frequency network. As such, even if combined, the combined teachings of the references fail to render obvious Applicants' claimed invention.

For the foregoing reasons, it is respectfully urged that all of the claims as now amended clearly define patentable subject matter under 35 USC §103 and that the application should be allowed. Nonetheless, should the Examiner still have any comments, questions or suggestions of a nature necessary to expedite prosecution of the application or to place the case in condition for allowance, he is courteously requested to telephone the undersigned at the number listed below.

Dated: April 19, 2006

Respectfully submitted,



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Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: J. Dewey Weaver, III, et al Art Unit : Unassigned
Serial No. : Unassigned Examiner: Unassigned
Filed : Herewith
For : Method and System for Controlling Content to a User

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

Preliminary Amendment Under 37 C.F.R. § 1.115

Sir:

Please amend the above-identified application as follows:

In the Specification:

Please delete paragraph 28 on page 7 of the specification and replace it with the following paragraph:

[0028] Figure 4 is a flow diagram of an embodiment of the user terminal showing steps for receiving, viewing, and recording content.

In the Claims:

Claim 1, line 2 remains unchanged.

Please renumber claim 1, line 7, and claims 2-25 as follows:

2. (amended) The method of claim 1, further comprising:
recording a packet tag if a user views the packet at the user terminal.
3. (amended) The method of claim 1, wherein said tagging further comprises:
encrypting the packet.
4. (amended) The method of claim 1, wherein said tagging further comprises:
specifying at least one user serial number; wherein the user serial number is an
identification code corresponding to a particular user terminal; and

reading the packet if the user serial number is specified.

5. (amended) The method of claim 4, wherein the packet comprises a datacast.

6. (amended) The method of claim 4, wherein the user terminal comprises a personal computer (PC).

7. (amended) The method of claim 4, wherein the user terminal comprises a set top box.

8. (amended) The method of claim 4, wherein the packet is in motion picture expert group ("MPEG") format.

9. (amended). The method of claim 4, further comprising:
broadcasting a packet with radio frequency airwaves.

10. (amended) The method of claim 4, further comprising:
broadcasting a packet by cable.

11. (amended) The method of claim 4, further comprising:
broadcasting a packet by satellite.

12. (amended) The method of claim 1, wherein said tagging further comprises:

encrypting a packet;

specifying at least one user serial number; wherein the user serial number is an identification code corresponding to a particular user terminal; and

de-encrypting a packet on the user terminal if the user serial number is specified.

13. (amended) The method of claim 12, wherein a packet comprises a datacast.

14. (amended) The method of claim 12, wherein the user terminal comprises a personal computer (PC).

15. (amended) The method of claim 12, wherein the user terminal comprises a set top box.

16. (amended) The method of claim 12, wherein a packet is in MPEG format.

17. (amended) The method of claim 12, further comprising:
broadcasting a packet with radio frequency airwaves.

18. (amended) The method of claim 12, further comprising:
broadcasting a packet by cable.

19. (amended) The method of claim 12, further comprising:
broadcasting a packet by satellite.

20. (amended) A system for controlling content sent to a user, comprising:
a broadcast station;
at least one packet in communication with the broadcast station, wherein the at least one packet has content and a packet ID associated therewith and wherein said broadcast station is configured to tag said packet to enable user viewing permission and to send said packet to at least one user terminal.

21. (amended) The system of claim 20, wherein said broadcast station is further configured to encrypt at least one packet.

22. (amended) The system of claim 20, wherein said broadcast station is further configured to specify at least one user serial number to enable the user terminal to view at least one packet if the user serial number is specified, wherein the user serial number is an identification code corresponding to a particular user terminal.

23. (amended) The system of claim 20 further comprising:
a user terminal in communication with said broadcast station for receiving at least one packet;

a user serial number associated with said user terminal, wherein said user serial number is an identification code corresponding to a particular user terminal

a tuner application associated with said user terminal, wherein said tuner application is configured to enable the user terminal to receive and display content associated with at least one packet on a display;

a web portal associated with said user terminal, wherein said web portal is connectable to a server;

wherein said broadcast station is further configured to tag said packet to specify a user serial number; and

wherein said tuner application is further configured to enable viewing of said packet if said packet is tagged to specify said user serial number.

24. (amended) A system for controlling content sent to a user, comprising:

a user terminal;

a tuner application associated with said user terminal, wherein said tuner application is configured to enable the user terminal to receive and display content on a display, wherein the content is received from at least one packet, and a packet has a packet ID associated therewith;

a web portal associated with said user terminal, wherein said web portal is connectable to a server; and

wherein said tuner application is configured to collect information about viewed content and communicate the information to a server.

25. (amended) The system of claim 24, wherein said information includes the content viewed at the user terminal.

26. (amended) The system of claim 24, wherein said information includes the time that content was viewed at the user terminal.

In accordance with 37 CFR 1.121(b), the following replacement paragraphs show all the changes made by the foregoing amendment relative to the previous version of the paragraphs.

Page 7, Paragraph 28:

Figure 4 is a flow diagram of an embodiment of the user terminal showing steps for [fro] receiving, viewing, and recording content.

In accordance with 37 CFR 1.121(c), the following versions of the claims as rewritten by the foregoing amendment show all the changes made relative to the previous versions of the claims.

2. [1] (amended) The method of claim 1, further comprising:
recording a packet tag if a user views the packet at the user terminal.

3. [2] (amended) The method of claim 1, wherein said tagging further comprises:
encrypting the packet.

4. [3] (amended) The method of claim 1, wherein said tagging further comprises:

specifying at least one user serial number; wherein the user serial number is an identification code corresponding to a particular user terminal; and

reading the packet if the user serial number is specified.

5. [4] (amended) The method of claim 4, wherein the packet comprises a datacast.

6. [5] (amended) The method of claim 4, wherein the user terminal comprises a personal computer (PC).

7. [6] (amended) The method of claim 4, wherein the user terminal comprises a set top box.

8. [7] (amended) The method of claim 4, wherein the packet is in motion picture expert group ("MPEG") format.

9. [8] (amended). The method of claim 4, further comprising:
broadcasting a packet with radio frequency airwaves.

10. [9] (amended) The method of claim 4, further comprising:
broadcasting a packet by cable.

11. [10] (amended) The method of claim 4, further comprising:
broadcasting a packet by satellite.

12. [11] (amended) The method of claim 1, wherein said tagging further
comprises:

encrypting a packet;

specifying at least one user serial number; wherein the user serial number is an
identification code corresponding to a particular user terminal; and

de-encrypting a packet on the user terminal if the user serial number is
specified.

13. [12] (amended) The method of claim 12, wherein a packet comprises a
datacast.

14. [13] (amended) The method of claim 12, wherein the user terminal
comprises a personal computer (PC).

15. [14] (amended) The method of claim 12, wherein the user terminal
comprises a set top box.

16. [15] (amended) The method of claim 12, wherein a packet is in MPEG
format.

17. [16] (amended) The method of claim 12, further comprising:
broadcasting a packet with radio frequency airwaves.

18. [17] (amended) The method of claim 12, further comprising:
broadcasting a packet by cable.

19. [18] (amended) The method of claim 12, further comprising:
broadcasting a packet by satellite.

20. [19] (amended) A system for controlling content sent to a user,
comprising:

a broadcast station;

at least one packet in communication with the broadcast station, wherein the at least one packet has content and a packet ID associated therewith and wherein said broadcast station is configured to tag said packet to enable user viewing permission and to send said packet to at least one user terminal.

21. [20] (amended) The system of claim 20, wherein said broadcast station is further configured to encrypt at least one packet.

22. [21] (amended) The system of claim 20, wherein said broadcast station is further configured to specify at least one user serial number to enable the user terminal to view at least one packet if the user serial number is specified, wherein the user serial number is an identification code corresponding to a particular user terminal.

23. [22] (amended) The system of claim 20 further comprising:

a user terminal in communication with said broadcast station for receiving at least one packet;

a user serial number associated with said user terminal, wherein said user serial number is an identification code corresponding to a particular user terminal
a tuner application associated with said user terminal, wherein said tuner application is configured to enable the user terminal to receive and display content associated with at least one packet on a display;

a web portal associated with said user terminal, wherein said web portal is connectable to a server;

wherein said broadcast station is further configured to tag said packet to specify a user serial number; and

wherein said tuner application is further configured to enable viewing of said packet if said packet is tagged to specify said user serial number.

24. [25] (amended) A system for controlling content sent to a user, comprising:

a user terminal;

a tuner application associated with said user terminal, wherein said tuner application is configured to enable the user terminal to receive and display content on

a display, wherein the content is received from at least one packet, and a packet has a packet ID associated therewith;

a web portal associated with said user terminal, wherein said web portal is connectable to a server; and

wherein said tuner application is configured to collect information about viewed content and communicate the information to a server.

25. [24] (amended) The system of claim 24, wherein said information includes the content viewed at the user terminal.

26. [25] (amended) The system of claim 24, wherein said information includes the time that content was viewed at the user terminal.

Remarks

The above amendment is made in accordance with 37 C.F.R. § 1.115 and filed concurrently with the above-identified application. The amendment is made to correct obvious errors and do not introduce new matter. Specifically, an obvious misnumbering of the claims and a misspelling are corrected.

Should the Examiner have any questions or comments, he is courteously requested to telephone the undersigned at the number listed below.

Respectfully submitted,

Date: August 3, 2001



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